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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 787 OF 2007

Ulhasnagar Municipal Corporation,
Ulhasnagar, Dist. Thane; & anr. ... Petitioners

V/s

C.H. Dhirmalani ... Respondent

Mr. V.D. Patil for the petitioners.
Mr. Dnyaneshwar Deshmukh for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 4th JULY, 2007.

P.C.:

1. This petition challenges the order of the Industrial Court dated 10.8.2006. By this order, the Industrial Court has declared that the petitioners have indulged in unfair labour practices under Items 3 and 9 of Schedule IV of the M.R.T.U. & P.U.L.P. Act, 1971. The Industrial Court has further directed the petitioners to pay the complainant the arrears for working in the post of Beat Mukadam, if any.

2. Writ Petition No. 630 of 2003 was filed by the original petitioner Corporation wherein the order dated 19.11.2003 passed by the Labour Court was modified to the extent that the respondent would be reinstated and

assigned work as Beat Mukadam. It was observed that this would not confer on him the status of permanency and it would not mean that he was regularized in the post of Beat Mukadam. The status of the workman and his regularization as a Beat Mukadam was to be decided if any action was taken by the workman before the appropriate forum.

3. Complaint (ULP) No. 299 of 2004 was filed by the workman under Items 3, 9 and 10 of Schedule IV of the M.R.T.U. & P.U.L.P. Act, 1971 against the Corporation complaining that he was directed to work as Beat Mukadam for more than 15 years and not made permanent in that post. The Industrial Court held that the respondent workman was working as a Beat Mukadam and not as a Helper though he was appointed as one. He worked as a Beat Mukadam for more than 12 years. It was held that the transfer of the respondent to the post of Helper from the post of Beat Mukadam was illegal and malafide. The Industrial Court has also directed the petitioners to regularize the respondent workman in his post as a Beat Mukadam and given cogent reasons for the same.

4. In my opinion, there is no need to interfere with the order passed by the Industrial Court.

5. Writ petition is rejected.

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